

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00877-CJN

CENTER FOR PUBLIC INTEGRITY v. U.S.
 ENVIRONMENTAL PROTECTION AGENCY
 Assigned to: Judge Carl J. Nichols
 Cause: 05:552 Freedom of Information Act

Date Filed: 04/13/2018
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

CENTER FOR PUBLIC INTEGRITY

represented by **Peter Newbatt Smith**
 CENTER FOR PUBLIC INTEGRITY
 910 17th Street, NW
 7th Floor
 Washington, DC 20006
 (202) 481-1239
 Fax: (202) 466-1102
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 ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. ENVIRONMENTAL
 PROTECTION AGENCY**

represented by **Marina Utgoff Braswell**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
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 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 04/13/2018 | <u>1</u> | COMPLAINT against U.S. ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5422812) filed by CENTER FOR PUBLIC INTEGRITY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to Defendant, # <u>3</u> Summons to U.S. Attorney, # <u>4</u> Summons Attorney General of U.S.)(Smith, Peter) (Entered: 04/13/2018) |
| 04/13/2018 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR PUBLIC INTEGRITY. (zmd) (Entered: 04/16/2018) |
| 04/13/2018 | | Case Assigned to Judge Colleen Kollar-Kotelly. (zmd) (Entered: 04/16/2018) |
| 04/16/2018 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 04/16/2018) |
| 04/17/2018 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/17/2018. Answer due for ALL FEDERAL DEFENDANTS by 5/17/2018. (Smith, Peter) (Entered: 04/17/2018) |
| 04/17/2018 | <u>5</u> | ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 04/17/18. (DM) (Entered: 04/17/2018) |

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| 04/23/2018 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. ENVIRONMENTAL PROTECTION AGENCY served on 4/23/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/23/2018. (Attachments: # <u>1</u> Exhibit Return Receipt – Defendant, # <u>2</u> Exhibit Return Receipt – Atty Gen)(Smith, Peter) (Entered: 04/23/2018) |
| 05/17/2018 | <u>7</u> | ANSWER to Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Braswell, Marina) (Entered: 05/17/2018) |
| 05/18/2018 | <u>8</u> | ORDER. The parties shall MEET AND CONFER and file a Joint Status Report by no later than JUNE 8, 2018. Signed by Judge Colleen Kollar-Kotelly on 5/18/2018. (lcckk3) (Entered: 05/18/2018) |
| 05/18/2018 | | Set/Reset Deadlines: Joint Status Report due by 6/8/2018. (dot) (Entered: 05/21/2018) |
| 06/08/2018 | <u>9</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> FOIA Table of Requests)(Braswell, Marina) (Entered: 06/08/2018) |
| 06/11/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>9</u> Joint Status Report. The parties represent that they are currently meeting and conferring to discuss whether Defendant is already processing FOIA requests in other cases that overlap with, or are similar to, the 25 FOIA requests at issue in this case. The parties are ORDERED to file a further Joint Status Report by no later than JULY 12, 2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. Signed by Judge Colleen Kollar-Kotelly on 6/11/2018. (lcckk3) (Entered: 06/11/2018) |
| 06/11/2018 | | Set/Reset Deadlines: Joint Status Report due by 7/12/2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. (dot) (Entered: 06/11/2018) |
| 07/12/2018 | <u>10</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Braswell, Marina) (Entered: 07/12/2018) |
| 07/12/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>10</u> Joint Status Report. The parties represent that Defendant is currently working to overcome certain technical difficulties that have prevented it from being able to refer Plaintiff to responsive documents that have already been publicly released in response to prior, similar FOIA requests. The parties represent that Defendant will provide Plaintiff with an update on the processing of each of its 25 FOIA requests by July 26, 2018, and that the parties will meet and confer about any requests that require further clarification by August 12, 2018. If Defendant is unable to provide Plaintiff with responsive records that have been released in a digital format, it represents that it will provide those records in paper. The parties are ORDERED to file a further Joint Status Report by no later than AUGUST 20, 2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. Signed by Judge Colleen Kollar-Kotelly on 7/12/2018. (lcckk3) (Entered: 07/12/2018) |
| 07/12/2018 | | Set/Reset Deadlines: Joint Status Report due by 8/20/2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. (dot) (Entered: 07/12/2018) |
| 08/20/2018 | <u>11</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 08/20/2018) |
| 08/21/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>11</u> Joint Status Report. The parties represent that they have met and conferred twice since they filed their last status report. Defendant has made an interim production to Plaintiff but is still searching for responsive records. The parties are ORDERED to file a further Joint Status Report by no later than SEPTEMBER 19, 2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. Signed by Judge Colleen Kollar-Kotelly on 8/21/2018. (lcckk3) (Entered: 08/21/2018) |
| 08/21/2018 | | Set/Reset Deadlines: Joint Status Report due by 9/19/2018. (dot) (Entered: 08/23/2018) |
| 09/19/2018 | <u>12</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 09/19/2018) |

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| 09/20/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>12</u> Joint Status Report. The parties represent that they have further narrowed the remaining areas regarding processing of Plaintiff's FOIA requests. Plaintiff reported that seven of its FOIA requests are closed, and nine additional FOIA requests are capable of being closed by cross-referencing other similar requests EPA is currently processing. Additionally, Plaintiff is withdrawing two of its FOIA requests. The parties are ORDERED to file a further Joint Status Report by no later than OCTOBER 19, 2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. The parties are further ORDERED to file additional Joint Status Reports every 30 days thereafter. The parties are also free to file Joint Status Reports between the filing deadlines if issues arise that require the Court's attention. Signed by Judge Colleen Kollar-Kotelly on 9-20-2018. (lcckk3) (Entered: 09/20/2018) |
| 09/20/2018 | | Set/Reset Deadlines: Joint Status Report due by 10/19/2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. (dot) (Entered: 09/21/2018) |
| 10/19/2018 | <u>13</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 10/19/2018) |
| 11/19/2018 | <u>14</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 11/19/2018) |
| 12/14/2018 | <u>15</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 12/14/2018) |
| 01/17/2019 | <u>16</u> | Consent MOTION to Stay (<i>Defendant's Consent Motion to Stay Proceedings in Light of Lapse of Appropriations</i>) by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Braswell, Marina) (Entered: 01/17/2019) |
| 01/17/2019 | <u>17</u> | ERRATA by U.S. ENVIRONMENTAL PROTECTION AGENCY <u>16</u> Consent MOTION to Stay (<i>Defendant's Consent Motion to Stay Proceedings in Light of Lapse of Appropriations</i>) filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> (corrected stay motion), # <u>2</u> Text of Proposed Order)(Braswell, Marina) (Entered: 01/17/2019) |
| 01/17/2019 | | MINUTE ORDER. The Court is in receipt of Defendant's [17-1] Consent Motion to Stay Proceedings in Light of Lapse of Appropriations. As of December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true of other agencies, including the EPA. Absent an appropriation, the Department is prohibited from working except in circumstances which do not apply to this case. Defendant requests a stay until after appropriations have been restored. The Court GRANTS Defendant's motion as to the stay and ORDERS the case STAYED. Defendant is ORDERED to file a Status Report within two days of the restoration of appropriations notifying the Court and the Plaintiff and requesting appropriate deadline extensions. Signed by Judge Colleen Kollar-Kotelly on 1-17-2019. (lcckk3) (Entered: 01/17/2019) |
| 01/29/2019 | <u>18</u> | STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Braswell, Marina) (Entered: 01/29/2019) |
| 01/31/2019 | | MINUTE ORDER. On January 17, 2019, the Court stayed this case due to a lapse in appropriations. As appropriations have been restored for at least the next three weeks, the Court ORDERS the stay lifted. The parties are ORDERED to file a Joint Status Report by FEBRUARY 15, 2019, informing the Court on Defendant's status processing Plaintiff's FOIA requests. The parties are further ORDERED to file additional Joint Status Reports every 30 days thereafter. The parties are also free to file Joint Status Reports between the filing deadlines if issues arise that require the Court's attention.Signed by Judge Colleen Kollar-Kotelly on 1/31/2019. (lcckk3) (Entered: 01/31/2019) |
| 01/31/2019 | | Set/Reset Deadlines: Status Report due by 2/15/2019, informing the Court on Defendant's status processing Plaintiff's FOIA requests. (dot) (Entered: 02/01/2019) |
| 02/15/2019 | <u>19</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 02/15/2019) |

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| 03/15/2019 | <u>20</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 03/15/2019) |
| 04/16/2019 | <u>21</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 04/16/2019) |
| 05/16/2019 | <u>22</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 05/16/2019) |
| 06/13/2019 | <u>23</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 06/13/2019) |
| 06/24/2019 | | Case directly reassigned to Judge Carl J. Nichols. Judge Colleen Kollar-Kotelly is no longer assigned to the case. (ztnr) (Entered: 06/24/2019) |
| 07/15/2019 | <u>24</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 07/15/2019) |
| 08/14/2019 | <u>25</u> | Joint STATUS REPORT by CENTER FOR PUBLIC INTEGRITY. (Smith, Peter) (Entered: 08/14/2019) |
| 08/20/2019 | | MINUTE ORDER. In light of the Parties' <u>25</u> Joint Status Report, and consistent with the Court's January 31, 2019 Order, it is hereby ORDERED that the Parties submit an additional Joint Status Report by September 13, 2019. Signed by Judge Carl J. Nichols on August 20, 2019. (lccjn1) (Entered: 08/20/2019) |
| 08/20/2019 | | Set/Reset Deadlines/Hearings: Joint Status Report due by 9/13/2019. (zcdw) (Entered: 08/21/2019) |
| 09/16/2019 | <u>26</u> | Joint STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Braswell, Marina) (Entered: 09/16/2019) |